

## Senate Bill No. 1428

### CHAPTER 513

An act to amend Sections 2560.5, 2561.3, 2561.5, 2562, 2562.3, 2562.5, 2563, and 2564 of, to add Section 2565 to, and to repeal Sections 2563.5 and 2564.5 of, the Streets and Highways Code, relating to highways.

[Approved by Governor September 17, 2000. Filed  
with Secretary of State September 19, 2000.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 1428, Karnette. Highways: freeway service patrols.

Existing law authorizes, until January 1, 2002, the operation of freeway service patrols, as defined, under a memorandum of understanding between the Department of the California Highway Patrol, the Department of Transportation, and regional or local governmental entities.

This bill would delete the repeal date specified above and would thus extend indefinitely the authority to operate freeway service patrols. The bill would make other, conforming changes in existing law relating to freeway service patrols.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares all of the following:

(a) California's freeway service patrols are a critical element in the state's efforts to keep our freeways safe and operating efficiently.

(b) Freeway service patrols provide an effective freeway congestion relief program on the state highway system.

(c) Los Angeles County pioneered the state's first freeway service patrol program in 1991, and, since that time, 11 programs have been implemented as a partnership between the Department of Transportation, the Department of the California Highway Patrol, and local and regional entities.

(d) Freeway service patrols, composed of teams of specially trained tow truck drivers, patrol 1,220 miles of California's most congested freeways, offering stranded motorists help that is free of charge and includes services such as changing a flat tire, "jump starting" a dead battery, repairing hoses, refilling radiators, and providing a gallon of fuel or a tow to a predetermined safe location off the freeway.

(e) Since the state first implemented freeway service patrol programs on a demonstration basis in 1992, some 4.5 million motorists statewide have received assistance. Further, studies performed by

the University of California at Berkeley's Institute for Transportation Studies, as required by the initial legislation, conclude that for every dollar invested in the program, the state receives from three dollars (\$3) to five dollars (\$5) back in benefits, including time savings.

(f) Accordingly, California's freeway service patrol programs, which were implemented initially as a demonstration program, merit permanent status as part of the state's overall program to keep California's highways safe and free of traffic congestion.

SEC. 2. Section 2560.5 of the Streets and Highways Code is amended to read:

2560.5. The purpose of this chapter is to provide for permanent implementation of a freeway service patrol system on traffic-congested urban freeways throughout the state, involving a cooperative effort between state and local agencies.

SEC. 3. Section 2561.3 of the Streets and Highways Code is amended to read:

2561.3. The freeway service patrol in any particular area shall be operated pursuant to a memorandum of understanding between the Department of the California Highway Patrol, the department, and the appropriate regional or local entity.

SEC. 4. Section 2561.5 of the Streets and Highways Code is amended to read:

2561.5. (a) Funding for the freeway service patrols established pursuant to this chapter shall be provided, upon annual appropriation, from the State Highway Account in the State Transportation Fund. In addition, the appropriate regional or local entity shall ensure that local resources are expended on freeway service patrols in an amount not less than 25 percent of the amount provided from the State Highway Account.

(b) In locations where there already is a freeway service patrol, the department shall coordinate and integrate the funds appropriated pursuant to this section into the existing program. In the allocation of these funds, no local entity may be penalized for having an existing freeway service patrol program.

(c) No state funding may be released prior to the execution of the memorandum of understanding developed under Section 2561.3.

(d) No program funded under this chapter may supplant emergency response towing services provided by the department as of January 1, 1992.

(e) It is the intent of the Legislature that funding for programs funded under this chapter be consistent from year to year in order to facilitate the awarding of multiyear contracts between participating regional and local entities and providers of freeway patrol services.

SEC. 5. Section 2562 of the Streets and Highways Code is amended to read:



2562. Funding for a freeway service patrol in a participating area shall be based 25 percent on the number of urban freeway lane miles in the participating area to the total number of freeway lane miles in all the participating areas, 50 percent on the basis of the ratio of the population of the participating area to the total population of all the participating areas, and 25 percent on the basis of traffic congestion as ascertained by the department pursuant to the most recent Statewide Highway Traffic Congestion Monitoring Program.

SEC. 6. Section 2562.3 of the Streets and Highways Code is amended to read:

2562.3. In determining the annual funding allocation, regional or local entities shall apply to the department in accordance with program guidelines.

SEC. 7. Section 2562.5 of the Streets and Highways Code is amended to read:

2562.5. Each tow truck participating in a freeway service patrol shall bear a logo comprised of, at a minimum, a circle, a triangle, and a tow truck silhouette, with the words “Freeway Service Patrol,” which identifies the Department of the California Highway Patrol and the department, and, at the option of the entity, the participating regional or local entity. Participating regional or local entities may place an approved logo on participating tow trucks.

SEC. 8. Section 2563 of the Streets and Highways Code is amended to read:

2563. Tow truck drivers and employers participating in a freeway service patrol pursuant to this chapter are subject to the standards and qualifications established under Article 3.3 (commencing with Section 2430) of Chapter 2 of Division 2 of the Vehicle Code.

SEC. 9. Section 2563.5 of the Streets and Highways Code is repealed.

SEC. 10. Section 2564 of the Streets and Highways Code is amended to read:

2564. Not more than 2 percent of the state funds appropriated for purposes of this chapter shall be used for administrative overhead expenses or purposes by state agencies. No state funds shall be used for administrative purposes by the participating local and regional entities.

SEC. 11. Section 2564.5 of the Streets and Highways Code is repealed.

SEC. 12. Section 2565 is added to the Streets and Highways Code, to read:

2565. The department, the Department of the California Highway Patrol, and participating regional and local entities shall develop and periodically update guidelines for program operations, as those guidelines and updates may be required.